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In re Application of:
KALSI *et al.* : : : :
Serial No.: 10/083,927 : : : :
Filed: February 27, 2002 : : : :
Attorney Docket No.: **05770-170001 / AMSC-546** : : : :
SUA SPONTE
DECISION WITHDRAWING HOLDING OF
ABANDONMENT

This is a decision, *sua sponte*, clarifying the record with respect to the Notice of Abandonment mailed September 08, 2004.

The application was held abandoned for failure to file an Appeal Brief after the receipt of the Notice of Appeal filed February 06, 2004.

A review of the written record indicates that at the time of mailing of the Notice of Abandonment, the maximum extendable time period in which to file the Appeal Brief Had not yet expired. A petition for a five (5) month extension of time, and a Request for Continued Examination were timely filed on September 09, 2004, that last day of the period. Accordingly, it appears that the Notice of Abandonment was mailed prematurely. Therefore, the application was not abandoned in fact.

For the above stated reason, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This decision merely clarifies the application file record, and does not have the effect of stopping, or starting any period for response. The examination of the application continues unabated.

Inquiries related to this decision should be directed to Clayton E. LaBalle at (571) 272-1594.


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